

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN CRISTOBAL CALDERON,
Plaintiff,
v.
C. VUE, et al.,
Defendants.

No. 2:22-cv-0124 CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

On May 3, 2023, counsel for defendant Freitas filed a document indicating that defendant Freitas has passed away. Pursuant to Federal Rule of Civil Procedure 25, a motion for substitution of a proper party must be made no later than ninety days after death is suggested upon the record. That time period has now expired, and no motion for substitution has been filed.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case; and

IT IS HEREBY RECOMMENDED that defendant Freitas be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after service of these findings and recommendations, any written objections may be filed with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed and served within fourteen

1 days after service of the objections. Failure to file objections within the specified time may waive
2 the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: August 15, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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